

**REMARKS**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

In the specification, paragraphs have been amended on pages 1, 2, and 4.

New claims 19-27 have been added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-27 are now pending in this application. Claims 1-11 and 16-18 have been withdrawn from consideration.

**Rejection Under 35 U.S.C. § 102**

Claims 12-14 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Pub. No. 2003/0075305 to Sanada *et al.* (hereafter “Sanada”). This rejection is respectfully traversed.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). See generally M.P.E.P. § 2131.

Sanada discloses a condenser 100 that includes brackets 150 for mounting the condenser 100 to a vehicle via mounting members 160, which can be made of rubber. See Sanada at paragraphs 0016 and 0017. The condenser 100 is mounted on a vehicle 10 by inserting a bolt 11 into a hole 152 in the bracket 150. See Sanada at paragraph 0021 and Figure 2.

On page 3 of the Office Action the Office identifies the mounting member 160 of Sanada as an elastomeric bearing and the bolt 11 as a screw bolt. However, as shown in Figure 2 of Sanada, the mounting member 160 and the bolt 11 are not configured to engage each other, as recited in claim 12. In fact, the bolt 11 and mounting member 160 have no contact with each other, as shown in Figure 2 of Sanada.

Sanada does not anticipate claims 12-14 because Sanada fails to disclose all of the features of claim 12. Claims 13 and 14 depend from claim 12. Reconsideration and withdrawal of this rejection is respectfully requested.

**Rejection Under 35 U.S.C. § 103**

Claim 15 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Sanada and further in view of DE 40 30 720 to Hasselmeyer *et al.* (hereafter “Hasselmeyer”). This rejection is respectfully traversed. Hasselmeyer fails to remedy the deficiencies of Sanada discussed above in regard to independent claim 12, from which claim 15 depends.

Furthermore, it would not have been obvious to one of ordinary skill in the art to combine the teachings of Sanada and Hasselmeyer because the teachings of Hasselmeyer regard a different and widely divergent art than that of Sanada or the claims. The device of Hasselmeyer is not used as a fastener but is instead used to measure the strain in a screw while the screw is tightened to another object. See abstract of Hasselmeyer. The Office argues on page 5 of the Office Action that claim 15 only regards old elements known in the art. However, Hasselmeyer does not demonstrate that any features of claim 15 are known in the art of an arrangement for fixing a cooling module because the teachings of Hasselmeyer regard the measurement of strain, not an arrangement for fixing a cooling module. Furthermore, the combination of Sanada and Hasselmeyer fails to disclose or suggest all of the features of claim 15 because Sanada and Hasselmeyer do not disclose or suggest a longitudinal channel of length L1 and a pin of length L2, wherein L2 is larger than L1 by an amount that corresponds to an engagement height of a tool, as recited in claim 15.

For at least the reasons discussed above, reconsideration and withdrawal of this rejection is respectfully requested.

**New Claims**

New claims 19-27 have been added. Claims 22 and 23 depend from claim 12 and are allowable over the prior art for at least the reasons discussed above.

Claim 19 recites an arrangement for fixing a cooling module in a motor vehicle, comprising, among other things, upper fixing devices comprising an elastomeric bearing and upper retaining devices comprising a screw bolt, wherein the elastomeric bearing and the screw bolt are configured to engage with each other. Claims 20, 24, and 25 depend from

claim 19. As discussed above in regard to claim 12, the prior art fails to disclose or suggest such features.

Claim 21 recites a motor vehicle comprising, among other things, fixing devices comprising an elastomeric bearing and retaining devices comprising a screw bolt, wherein the elastomeric bearing and the screw bolt are engaged with each other. Claims 26 and 27 depend from claim 21. As discussed above in regard to claim 12, the prior art fails to disclose or suggest such features.

**Conclusion**

Applicant submits that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

Date 9/23/05  
FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 295-4011  
Facsimile: (202) 672-5399

By P.D.S.  
Paul D. Strain  
Attorney for Applicant  
Registration No. 47,369

Kevin L. McHenry  
Attorney for Applicant  
Registration No. 62,582